

**Filed 11/9/10 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2010 ND 204

State of North Dakota,

Plaintiff and Appellee

v.

Robert Louis Johnson,

Defendant and Appellant

No. 20100135

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce A. Romanick, Judge.

AFFIRMED.

Per Curiam.

Lloyd C. Suhr (on brief), Assistant State's Attorney, 514 East Thayer Avenue, Bismarck, ND 58501, for plaintiff and appellee.

Carey A. Goetz (argued), P.O. Box 1695, Bismarck, ND 58502-1695, for defendant and appellant.

State v. Johnson

No. 20100135

Per Curiam.

[¶1] Robert Louis Johnson appealed a district court order denying his motion to extend the time to file his notice of appeal. Johnson argues the district court abused its discretion when it failed to hold the combination of his limited capacity and his self-represented status amounted to excusable neglect. Johnson's neglect is not excusable. See Leftbear v. State, 2007 ND 14, 727 N.W.2d 252. We affirm the district court's order under N.D.R.App.P 35.1(a)(4).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring
Carol Ronning Kapsner